

GP 1743

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O I P E 09/752,502  
 DEC 05 2002  
 PATENT & TRADEMARKS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Group Art Unit 1743  
 )  
 LISA TAM et al. )  
 )  
 Serial No.: 09/752,502 )  
 )  
 Filing Date: December 28, 2000 )  
 )  
 For: PORTABLE CO-OXIMETER )

I HEREBY CERTIFY THAT THIS CORRESPONDENCE  
 IS BEING DEPOSITED WITH THE U.S. POSTAL  
 SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE  
 ADDRESSED TO: COMMISSIONER OF PATENTS AND  
 TRADEMARKS, WASHINGTON, D.C. 20231  
11-27-02 Richard V. Fisher  
 (DATE SIGNED)

APPLICATION TO WITHDRAW AS ATTORNEYS OF RECORD

Honorable Commissioner of Patents and Trademarks  
 Washington, D. C. 20231

RECEIVED  
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 TC 1700 MAIL ROOM

Sir:

In accordance with 37 CFR 1.36 and MPEP §§ 402.05 and 402.06, I, one of the attorneys of record in the above-identified patent application, hereby apply to the Commissioner to withdraw as attorney of record in this application for non-payment of legal fees as set forth below. Further, I am authorized to withdraw on behalf of all the attorneys of record; namely Jeffrey G. Sheldon, Reg. No. 27,953; Danton K. Mak, Reg. No. 31,695; Denton L. Anderson, Reg. No. 30,153; Stephen R. Seccombe, Reg. No. 31,136; David A. Farah, Reg. No. 38,134; Lena A. Basile, Reg. No. 44,026; Gary F. Wang, Reg. No. 44,382; James W. Collett, Reg. No. 46,636; Robert J. Rose, Reg. No. 47,037; Anthony G. Vella, Reg. No. 47,152, and also hereby apply to the Commissioner to withdraw on their behalf for the same reasons.

We have rendered substantial legal service to the applicants in connection with the applicant's invention pertaining to a **PORTABLE CO-OXIMETER**, as claimed in the present application, serial no. 09/752,502. In exchange for the legal work, the applicants agreed to pay us certain fees for our work. We have submitted debit notes to the applicants for the legal work, including work incurred in connection with the present application. Further, we have

APPROVED  
Richard V. Fisher  
 RICHARD V. FISHER, DIRECTOR  
 TECHNOLOGY CENTER 1700  
 DEC 31 2002

notified the applicants by phone of their outstanding debt. The applicants have not paid their debt. Applicant has indicated that they do not intend to pay their debt.

At present, the applicants owe us \$5,139.83 for the legal work which we have provided in connection with the above-identified application. All of the remainder of the debt is more than 90 days old. We believe that we will be harmed if we are to continue to assume responsibility in any way for this application. Specifically, if this application for withdrawal is not approved, then our professional and ethical obligations as attorneys would force us to expend additional time and resources on behalf of the applicants in monitoring the status of this application, responding to any and all office actions, and paying all additional necessary costs. However, we would most likely receive no compensation for any of this additional effort.

The application was filed on December 28, 2000. A first action on the merits has not been received. Therefore, the applicants will have at least 30 days to respond to any office action according to MPEP § 402.06.

We have notified both the applicants and the assignee in writing that we were filing this Application to Withdraw. Further, applicant has been sent all relevant papers relating to this application.

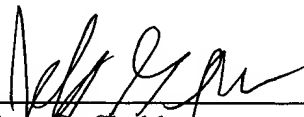
Once the Application for Withdrawal is approved, kindly direct all future correspondence regarding this application to the first named inventor, Lisa A. Tam, 26202 Vintage Woods Road, Lake Forest, CA 92630.

To minimize the potential for prejudice to the undersigned and to eliminate any chance of prejudice to the applicants, the Commissioner's prompt consideration and approval of this application is respectfully requested.

Respectfully submitted,

SHELDON & MAK

Date: 11/27/2002

By   
Jeffrey G. Sheldon  
Reg. No. 27,953

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